

## ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

### ***DIVISION 1. GENERALLY***

**Secs. 3.02.001—3.02.050 Reserved**

### ***DIVISION 2. TECHNICAL AND CONSTRUCTION CODES ADOPTED<sup>1</sup>***

#### **Sec. 3.02.051 Building code adopted**

The International Building Code, 2021 edition, together with appendices, as published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully, except as follows:

- a. *Section 101.1 Title* is revised to read "These regulations shall be known as the Building Code of the City of Leon Valley, hereinafter referred to as "this code"."
- b. *Section 103.1 Creation of Enforcement Agency* is revised to read "The City's Building Inspector is the official in charge of enforcing this code and he shall be known as the Building Official. The Planning and Zoning Director, along with the Building Official, shall be the persons responsible for the implementation, administration, and enforcement of the provisions of this code."
- c. *Section 105, Permits, 105.2 Work exempt from permit, Building 1.* is hereby revised to read "One-story detached accessory structures used as tool and storage sheds, playhouses, pergolas, and similar uses,

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<sup>1</sup>Ord. No. 2022-52 , § 1(Exh. A), adopted October 18, 2022, repealed Divisions 2—6 of this article, §§ 3.02.051—3.02.059, 3.02.101, 302.131—3.02.133, 3.02.191, 3.02.192, 3.02.221, 3.02.251, 3.02.281—3.02.283, 3.02.321, 3.02.222, 3.02.361, 3.02.368, 3.02.431—3.02.433, and enacted a new Division 2 as set out herein. The former Divisions pertained to building code, residential code and existing building code; air conditioning and heating; electricity; energy code; plumbing; and derived from 1972 Code, secs. 6.104, 6.200, 3.103, 3.104, 6.104, 6.500, 14.401—14.408, secs. 19.200, 19.300, 19.410; Ordinance 04-004, sec. 2, April 6, 2004; Ordinance 04-005, sec. 3, April 6, 2004; Ordinance 04-006, April 6, 2004; Ordinance 07-003 adopted Feb. 6, 2007; Ordinance 07-005, sec. 1, Feb. 6, 2007; Ordinance 07-006, secs. 1, 2, Feb. 6, 2007; Ordinance 07-008, sec. 1, Feb. 20, 2007; Ordinance 07-042, sec. 1(A)—(F), Sept. 11, 2007; 2008 Code, secs. 3.02.051, 3.02.053—3.02.056, 3.02.101, 3.02.131—3.02.133, 3.02.192, 3.02.221, 3.02.222, 3.02.361—3.02.368, 3.02.281—3.02.283, 3.02.401—3.02.405, 3.02.431—3.02.433; Ordinance 14-029, Dec. 8, 2014; Ordinance 2017-69, secs. 1, 2, Nov. 21, 2017; 2017 Code; Ord. No. 2021-46 , § 1, Sept. 21, 2021; Ord. No. 2022-39 , § 1, Sept. 6, 2022.

State law reference(s)—Building and residential codes, V.T.C.A., Local Government Code, § 214.211 et seq.; adoption of rehabilitation codes or provisions, V.T.C.A., Local Government Code, § 214.215; International Building Code adopted as municipal commercial building code, V.T.C.A., Local Government Code, § 214.216; International Residential Code adopted as a municipal residential building code, V.T.C.A., Local Government Code, § 214.212.

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provided that the floor area is not greater than three-hundred (300) square feet and the height does not exceed twenty (20) feet."

- d. *Section 105, Permits, 105.2 Work exempt from permit, Building 2.* Is deleted in its entirety.
- e. *Section 108.1 General* is revised to read "The building official is authorized to issue a permit for temporary structures and temporary uses upon satisfactory compliance with Chapter 15 Zoning, Section 15.02.382 (a) Temporary Uses."
- f. *Section 110.3.1 Footing and Foundation Inspection* is revised to read "Form, footing, and foundation inspection. Form, footing, and foundation inspections are required. A form survey is required and to be present and on-site at the plumbing rough-in inspection. Form inspection will assure all building setbacks have been observed as per Chapter 15 Zoning and footing and foundation inspections shall be made after excavation for footings are complete and any required reinforcing steel is in place. Materials for the foundation shall be at the work site, except where concrete is ready mixed in accordance with ASTM C94, which need not be on the work site. Foundations 600 square feet or larger, or for habitable space, are to be designed by a Professional Engineer, licensed in the State of Texas."
- g. *Section 110.3.3 Lowest floor elevation* is revised to read "In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to any further vertical construction, the elevation certificate required in Section 1612.4 of this code, the Leon Valley Code of Ordinances Chapter 3, Article 3.03 Flood Damage Prevention, and/or in the International Residential Code, as applicable, shall be submitted to the Building Official."
- h. *111.1 Change of occupancy* is revised to read "A building or structure shall not be used or occupied in whole or in part, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. A Certificate of Occupancy shall be obtained for any of the following:
  - (1) Occupancy and use of a building hereafter erected or structurally altered.
  - (2) Change in use of an existing building to a different classification.
  - (3) Occupancy and use of vacant land.
  - (4) Change in the use of land to a use of a different classification.
  - (5) Any major or significant modification, alteration, or change in a nonconforming use; and
  - (6) Business ownership name change."
- i. *Section 113.3 Board of Appeals* is deleted in its entirety along with all references to such in the IBC. An appeal of the decision of the building official will be considered by the planning and zoning director, fire chief, and city engineer and based on the joint recommendation of said individuals; the appeal may be granted or denied with final discretion by the city manager. A variance from the provisions of certain sections of the currently adopted code may be granted administratively by the planning and zoning director on the joint recommendation of the building inspector, fire chief, and public works director, if alternative requirements are made which will give an equivalent amount of protection. The variance shall specify the alternative measures.
- j. *Appendix B Board of Appeals* is deleted in its entirety.
- k. *Appendix D Fire Districts, Section D101* is revised to read "All land situated either wholly or partially within the city limits of the City of Leon Valley is considered to be located in one fire district."

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- l. *Appendix G, Section G101.5* is revised to read "The Planning and Zoning Director is designated as the floodplain administrator, is authorized, and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other employees of the jurisdiction. Such duties shall not alter any duties and powers of the Building Official."
  - m. *Appendix G, Section G103.1 General* is revised to read "Flood hazard areas are established as per the Federal Emergency Management Agency under the National Flood Insurance Program."
  - n. *Appendix G, Section 104.7 Alterations in Coastal Areas* is deleted in its entirety.
  - o. *Appendix H Signs, Section H101.2 Signs Exempt from permits* is deleted in its entirety.
  - p. *Appendix M Tsunami-Generated Flood Hazards* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.052 Residential code adopted**

The International Residential Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully in its entirety except as follows:

- a. *Chapter 1 Scope and Administration, Section R101.1 Title* is revised to state "These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Leon Valley and shall be cited as such and will be referred to herein as "this code"."
- b. *Section R105 Permits, R105.2 Work exempt from permit, Building 1.* is revised to read "Other than storm shelters, one story detached accessory structures, provided that the floor area does not exceed three hundred square feet.
- c. *Section R105 Permits, R105.2, Work exempt from permit, Building 2.* is deleted in its entirety.
- d. *Section R108.5 Refunds* is revised to read "The City Manager is authorized to establish a refund policy."
- e. *Section R110 Certificate of Occupancy, R110.01 Use and change of occupancy* is deleted in its entirety.
- f. *Section R112 Board of Appeals* is deleted in its entirety.
- g. *Appendix AV Board of Appeals* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.053 Existing building code adopted**

The International Existing Building Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully in its entirety except as follows:

- a. *Section 101.1 Title* is revised to read "These regulations shall be known as the Existing Building Code of the City of Leon Valley, herein referred to as "this code"."
- b. *Section 112 Means of Appeal* is deleted in its entirety.
- c. *Appendix D Board of Appeals* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

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### Sec. 3.02.054 Property maintenance code

The International Property Maintenance Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully in its entirety, with exceptions as follows:

- a. *Section 101.1 Title.* These regulations shall be known as the International Property Maintenance Code of the City of Leon Valley, hereinafter referred to as "this code."
- b. *Section 101.2 Scope.* The provisions of this code shall apply to all existing multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family structures, and all existing apartment, multi-family, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- c. *Section 103.1 Creation of agency.* The Leon Valley Planning and Zoning Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- d. *Section 104.1 Fees.* The fees for activities and services performed by the department in fulfilling its responsibilities under this code shall be as established in Appendix A of the Leon Valley Code of Ordinances.
- e. *Section 104.2 Refunds.* The City Manager is authorized to establish a refund policy.
- f. *Section 107 Means of Appeal* is deleted.
- g. *Section 108 Board of Appeals* is deleted.
- h. *Section 109.2 Notice of Violation.* The code official, or his designee, shall serve a notice of violation or order in accordance with Section 111.4.
- i. *Section 110.01 Authority.* Where the code official, or his designee, finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official, or his designee, is authorized to issue a stop work order.
- j. *Section 110.3 Emergencies.* Where an emergency exists, the code official, or his designee, shall not be required to give a written notice prior to stopping the work.
- k. *Section 112.6 Hearing* is deleted.
- l. *Section 302.4 Weeds.* Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- m. *Section 304.14 Insect screens.* Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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- n. *Section 602.3 Heat supply.* Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.
  - o. *Section 602.4 Occupiable workspaces.* Indoor occupiable workspaces shall be supplied with heat during the period from November to April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.
  - p. *Appendix B, Board of Appeals* is deleted.
  - q. *Section 301, adding section 310 Offenses and Nuisances.* Any multi-family residential and nonresidential complex, to include apartments, hotels, motels, suites, inns, rooming or boarding houses where the Police Department has responded to **60 or more emergency calls** in a span of three months will be required to have a licensed Police Officer on duty seven days of the week, during the hours of 8 PM and 6 AM for a period of one year. The Police Officer must be actively patrolling on foot, bicycle or in a vehicle during this time. If, in the last three months of that one-year period the complex is still illustrating 60 or more emergency calls, the complex must continue to keep a Licensed Police Officer on duty for an additional year. This will continue until the last three months of that one-year period has less than 60 emergency calls.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.055 Appeals and variances to technical and construction codes**

- (a) An appeal of the decision of the building official will be considered by the planning and zoning director, fire chief, and city engineer and based on the joint recommendation of said individuals; the appeal may be granted or denied ~~with final discretion~~ by the city manager. **Any appeal denied by the City Manager may be heard and overturned by the governing body.**
- (b) A variance from the provisions of certain sections of the currently adopted code may be granted administratively by the planning and zoning director on the joint recommendation of the building inspector, fire chief, and public works director, if alternative requirements are made which will give an equivalent amount of protection. The variance shall specify the alternative measures.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.056 Electrical code**

The National Electric Code, edition year 2020, as published by the National Fire Protection Association (NFPA), is hereby adopted, and incorporated by reference as though it was copied herein fully.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.057 Energy conservation code adopted**

The International Energy Conservation Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully in its entirety, with the following exceptions:

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- a. *Section C101.1 Title* is revised to read "This code shall be known as the Energy Conservation Code of the City of Leon Valley and shall be cited as such. It is referred to herein as "this code"."
  - b. *Section C110 Board of Appeals* is deleted in its entirety.
  - c. *Appendix CA Board of Appeals - Commercial* is deleted in its entirety.
  - d. *Appendix CA Board of Appeals - Residential* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.058 Fire code adopted**

The International Fire Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted as set forth in the Leon Valley Code of Ordinances, Chapter 5 Fire Protection and Prevention, Article 5.04 Fire Code, Section 5.04.001, Adopted, and Section 5.04.002 Amendments.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.059 Fuel gas code adopted**

The International Fuel Gas Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully in its entirety, with the following exceptions:

- a. *Section 101 (IFGC), 101.1 Title* is revised to read "This code shall be known as the Fuel Gas Code of the City of Leon Valley and shall be cited as such. It is referred to herein as "this code"."
- b. *Section 103.1 Creation of Agency* is revised to read "The Planning and Zoning Department is responsible for the enforcement of this code and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."
- c. *Section 113 (IFGC) Means of Appeal* is deleted in its entirety.
- d. *Section 114 (IFGC) Board of Appeals* is deleted in its entirety.
- e. *Section 115.4 Violation Penalties* is revised to read "Persons who violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.060 Mechanical code adopted**

The International Mechanical Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully in its entirety, with the following exceptions:

- a. *Section 101 (IFGC), 101.1 Title* is revised to read "This code shall be known as the Mechanical Code of the City of Leon Valley and shall be cited as such. It is referred to herein as "this code"."

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- b. *Section 103.1 Creation of Agency* is revised to read "The Planning and Zoning Department is responsible for the enforcement of this code and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."
  - c. *Section 113 (IMC) Means of Appeal* is deleted in its entirety.
  - d. *Section 114 (IMC) Board of Appeals* is deleted in its entirety.
  - e. *Section 115.4 Violation penalties* is revised to read "Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense."
  - f. *Appendix B Recommended Fee Schedule* is deleted in its entirety.
  - g. *Appendix C Board of Appeals* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.061 Plumbing code adopted**

The International Plumbing Code, 2021 edition, together with all appendices, as published by the International Code Council, is hereby adopted, and incorporated by reference as though it was copied herein fully, with the following exceptions:

- a. *Chapter 1 Scope and Administration, Section 101.1 Title* is revised to read "These regulations shall be known as the Plumbing Code of the City of Leon Valley hereinafter referred to as "this code."
- b. *Section 106.6.2 Fee Schedule* is revised to read "The fees for all plumbing work shall be as stated in Appendix A of the Leon Valley Code of Ordinances.
- c. *Section 106.6.3 Fee Refunds* is revised to read "The City Manager sets the policy for any fee refunds. The code official shall authorize the refunding of the full amount of any fee paid herein that was erroneously paid or collected."
- d. *Section 108.4 Violation penalties* is revised to read "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- e. *Section [A]108.5 Stop work orders* is revised to read "Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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- f. Section 109 Means of Appeal is deleted in its entirety.
  - g. *Appendix A Plumbing Permit Fee Schedule* is deleted in its entirety.
  - h. *Appendix B Rates of Rainfall for Various Cities* is revised to read "Refer to the Leon Valley Code of Ordinances, Chapter 10 Subdivision Regulations, Rainfall Intensity Chart."
  - i. The city encourages all residential and business property owners to install rainwater collection systems for non-potable uses such as landscape irrigation. These systems may include, but are not limited to, rain barrels, roof water collection, cisterns, grey water plumbing fixtures, above-ground storage tanks and related pressure tanks and pumps, and treatment and disinfection equipment.
  - j. Rainwater collection and storage containers and equipment must comply with the 2006 edition of the Texas Manual on Rainwater Harvesting, as published by the state commission on environmental quality, in accordance with House Bill 2430, and all subsequent supplements and changes in and to said edition.
  - k. All rainwater collection systems and related equipment must be permitted, inspected, and approved by the city plumbing Inspector. Fees for such permits and inspections shall be as stated in the fee schedule.
  - l. Rainwater collection systems shall not be connected to any plumbing that connects with the city's water supply system.
  - m. Rainwater collection barrels and other water holding tanks or devices must be installed and maintained so as to prevent mosquito infestation and may not be located within any easement.
  - n. Above-ground water collection devices, with the exception of roof gutters and rain barrels, shall not be located in the front yard area. Above-ground cisterns and water holding tanks must be located in the rear yard and must be screened from public view. Underground rainwater harvesting systems may be located in the front yard area but may not rise more than two feet (2') above grade. All storage areas shall be secured to promote safety and sanitation. All rainwater harvesting systems and related equipment must be situated at least five feet from any fence line.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.062 Contractor's license**

All contractors performing construction related work in the city limits must hold a current license under V.T.C.A., Occupations Code, Chapter 1302.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.063 Conflicts between adopted codes and other regulations**

To the extent of a conflict between any codes adopted herein and any locally adopted regulations regarding construction requirements, permitting, variances, and appeals from any code requirements and local administrative decisions, the locally adopted regulations shall apply.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)



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### **Sec. 3.02.064 Penalty**

Violations of this division are a Class C misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.065 Federal or state construction projects**

Jobs inspected by federal or state agencies. On those construction jobs within the city where the Federal Housing Administration, the Veterans Administration, or other similar United States or State of Texas government agency is involved, then as to such construction jobs the building inspections provided herein may be waived by the city provided that the building permit reflects that such agency will conduct inspections and further provided that copies of all such inspections made by such federal agency are promptly forwarded to the city.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Secs. 3.02.066—3.02.070 Reserved**